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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/550,451	04/17/2000	Dan Davison	CRFY-110	1723

7590 02/03/2003
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EXAMINER

LIANG, GWEN

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 02/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/550,451

Applicant(s)

DAVISON, DAN

Examiner

GWEN LIANG

Art Unit

2172

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 January 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-10, 21, 23-27, 31 and 32.

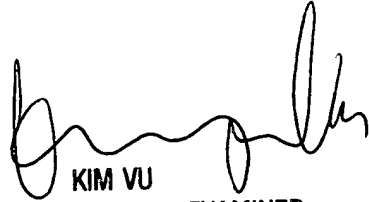
Claim(s) withdrawn from consideration: 11-20, 22 and 28-30.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____.

Continuation of 2. NOTE: The proposed claim limitations "data associated with each member" in claim 21 and "including the plurality of objects and associated data" in claim 23 and "storing associated data for each object identifier" in claim 31 are not entered because they require further consideration and search.

The proposed change from "can defined" to "can be defined" in claim 1 is entered.

The applicant's arguments regarding claim 1, that nowhere does Uppala teach or suggest a hierarchical structure that actually contains the data to be accessed, have been considered but they are not persuasive. In response to applicant's arguments that the reference fails to show one particular feature of applicant's invention, it is noted that the feature upon which applicant relies (i.e. in Amendment B, filed on 1/20/2003, page 5 paragraph 6, "a hierarchical structure that actually contains the data to be accessed.") is not recited in the rejected claim in the same manner as presented in the example given in the argument. Although the claim is interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In the Uppala reference, FIG. 7A can be used as an example to illustrate that the data associated with the entry is stored in the column labelled as "Node Value". For example, data "A" is associated with the entry identified by Node ID 1001, and data "B" is associated with the entry identified by Node ID 1002. Another figure, FIG. 11A, of the same data structure provides a more clear illustration of the data association of each entry in a database table, wherein "Topic" is the data associated with the entry of Node ID 1001 and "Sports" is the data associated with the entry of Node ID 1002. "Data" is defined as "an item of information" (Microsoft Computer Dictionary, fifth edition page 141). Both "Topic" and "Sports" are data based on the definition in Microsoft Computer Dictionary. Therefore, the Uppala reference does teach the feature of "forming a ... database table ..., each entry representing an object with an associated data" as claimed in the applicant's invention.


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